

SENATE BILL No. 430

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Increases the maximum weekly benefits for temporary total disability, permanent total disability, and temporary partial disability for worker's compensation and occupational disease over a four year term, beginning July 1, 2003.

Effective: July 1, 2003.

Harrison

January 21, 2003, read first time and referred to Committee on Pensions and Labor.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 430

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-3-3-22, AS AMENDED BY P.L.31-2000,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 22. (a) In computing the compensation under this
4 law with respect to injuries occurring on and after April 1, 1963, and
5 prior to April 1, 1965, the average weekly wages shall be considered
6 to be not more than seventy dollars (\$70) nor less than thirty dollars
7 (\$30). In computing the compensation under this law with respect to
8 injuries occurring on and after April 1, 1965, and prior to April 1,
9 1967, the average weekly wages shall be considered to be not more
10 than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In
11 computing the compensation under this law with respect to injuries
12 occurring on and after April 1, 1967, and prior to April 1, 1969, the
13 average weekly wages shall be considered to be not more than
14 eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In
15 computing the compensation under this law with respect to injuries
16 occurring on and after April 1, 1969, and prior to July 1, 1971, the
17 average weekly wages shall be considered to be not more than

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1 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In
 2 computing the compensation under this law with respect to injuries
 3 occurring on and after July 1, 1971, and prior to July 1, 1974, the
 4 average weekly wages shall be considered to be: (A) Not more than: (1)
 5 one hundred dollars (\$100) if no dependents; (2) one hundred five
 6 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)
 7 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three
 8 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4)
 9 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)
 10 or more dependents; and (B) Not less than thirty-five dollars (\$35). In
 11 computing compensation for temporary total disability, temporary
 12 partial disability, and total permanent disability under this law with
 13 respect to injuries occurring on and after July 1, 1974, and before July
 14 1, 1976, the average weekly wages shall be considered to be (A) not
 15 more than one hundred thirty-five dollars (\$135), and (B) not less than
 16 seventy-five dollars (\$75). However, the weekly compensation payable
 17 shall in no case exceed the average weekly wages of the employee at
 18 the time of the injury. In computing compensation for temporary total
 19 disability, temporary partial disability and total permanent disability
 20 under this law with respect to injuries occurring on and after July 1,
 21 1976, and before July 1, 1977, the average weekly wages shall be
 22 considered to be (1) not more than one hundred fifty-six dollars (\$156)
 23 and (2) not less than seventy-five dollars (\$75). However, the weekly
 24 compensation payable shall not exceed the average weekly wages of
 25 the employee at the time of the injury. In computing compensation for
 26 temporary total disability, temporary partial disability, and total
 27 permanent disability, with respect to injuries occurring on and after
 28 July 1, 1977, and before July 1, 1979, the average weekly wages are
 29 considered to be (1) not more than one hundred eighty dollars (\$180);
 30 and (2) not less than seventy-five dollars (\$75). However, the weekly
 31 compensation payable may not exceed the average weekly wages of the
 32 employee at the time of the injury. In computing compensation for
 33 temporary total disability, temporary partial disability, and total
 34 permanent disability, with respect to injuries occurring on and after
 35 July 1, 1979, and before July 1, 1980, the average weekly wages are
 36 considered to be (1) not more than one hundred ninety-five dollars
 37 (\$195), and (2) not less than seventy-five dollars (\$75). However, the
 38 weekly compensation payable shall not exceed the average weekly
 39 wages of the employee at the time of the injury. In computing
 40 compensation for temporary total disability, temporary partial
 41 disability, and total permanent disability, with respect to injuries
 42 occurring on and after July 1, 1980, and before July 1, 1983, the

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1 average weekly wages are considered to be (1) not more than two
2 hundred ten dollars (\$210), and (2) not less than seventy-five dollars
3 (\$75). However, the weekly compensation payable shall not exceed the
4 average weekly wages of the employee at the time of the injury. In
5 computing compensation for temporary total disability, temporary
6 partial disability, and total permanent disability, with respect to injuries
7 occurring on and after July 1, 1983, and before July 1, 1984, the
8 average weekly wages are considered to be (1) not more than two
9 hundred thirty-four dollars (\$234) and (2) not less than seventy-five
10 dollars (\$75). However, the weekly compensation payable shall not
11 exceed the average weekly wages of the employee at the time of the
12 injury. In computing compensation for temporary total disability,
13 temporary partial disability, and total permanent disability, with respect
14 to injuries occurring on and after July 1, 1984, and before July 1, 1985,
15 the average weekly wages are considered to be (1) not more than two
16 hundred forty-nine dollars (\$249) and (2) not less than seventy-five
17 dollars (\$75). However, the weekly compensation payable shall not
18 exceed the average weekly wages of the employee at the time of the
19 injury. In computing compensation for temporary total disability,
20 temporary partial disability, and total permanent disability, with respect
21 to injuries occurring on and after July 1, 1985, and before July 1, 1986,
22 the average weekly wages are considered to be (1) not more than two
23 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five
24 dollars (\$75). However, the weekly compensation payable shall not
25 exceed the average weekly wages of the employee at the time of the
26 injury. In computing compensation for temporary total disability,
27 temporary partial disability, and total permanent disability, with respect
28 to injuries occurring on and after July 1, 1986, and before July 1, 1988,
29 the average weekly wages are considered to be (1) not more than two
30 hundred eighty-five dollars (\$285) and (2) not less than seventy-five
31 dollars (\$75). However, the weekly compensation payable shall not
32 exceed the average weekly wages of the employee at the time of the
33 injury. In computing compensation for temporary total disability,
34 temporary partial disability, and total permanent disability, with respect
35 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
36 the average weekly wages are considered to be (1) not more than three
37 hundred eighty-four dollars (\$384) and (2) not less than seventy-five
38 dollars (\$75). However, the weekly compensation payable shall not
39 exceed the average weekly wages of the employee at the time of the
40 injury.

41 In computing compensation for temporary total disability, temporary
42 partial disability, and total permanent disability, with respect to injuries

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1 occurring on and after July 1, 1989, and before July 1, 1990, the
2 average weekly wages are considered to be (1) not more than four
3 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars
4 (\$75). However, the weekly compensation payable shall not exceed the
5 average weekly wages of the employee at the time of the injury.

6 In computing compensation for temporary total disability, temporary
7 partial disability, and total permanent disability, with respect to injuries
8 occurring on and after July 1, 1990, and before July 1, 1991, the
9 average weekly wages are considered to be (1) not more than four
10 hundred forty-one dollars (\$441) and (2) not less than seventy-five
11 dollars (\$75). However, the weekly compensation payable shall not
12 exceed the average weekly wages of the employee at the time of the
13 injury.

14 In computing compensation for temporary total disability, temporary
15 partial disability, and total permanent disability, with respect to injuries
16 occurring on and after July 1, 1991, and before July 1, 1992, the
17 average weekly wages are considered to be (1) not more than four
18 hundred ninety-two dollars (\$492) and (2) not less than seventy-five
19 dollars (\$75). However, the weekly compensation payable shall not
20 exceed the average weekly wages of the employee at the time of the
21 injury.

22 In computing compensation for temporary total disability, temporary
23 partial disability, and total permanent disability, with respect to injuries
24 occurring on and after July 1, 1992, and before July 1, 1993, the
25 average weekly wages are considered to be (1) not more than five
26 hundred forty dollars (\$540) and (2) not less than seventy-five dollars
27 (\$75). However, the weekly compensation payable shall not exceed the
28 average weekly wages of the employee at the time of the injury.

29 In computing compensation for temporary total disability, temporary
30 partial disability, and total permanent disability, with respect to injuries
31 occurring on and after July 1, 1993, and before July 1, 1994, the
32 average weekly wages are considered to be (1) not more than five
33 hundred ninety-one dollars (\$591) and (2) not less than seventy-five
34 dollars (\$75). However, the weekly compensation payable shall not
35 exceed the average weekly wages of the employee at the time of the
36 injury.

37 In computing compensation for temporary total disability, temporary
38 partial disability, and total permanent disability, with respect to injuries
39 occurring on and after July 1, 1994, and before July 1, 1997, the
40 average weekly wages are considered to be (1) not more than six
41 hundred forty-two dollars (\$642) and (2) not less than seventy-five
42 dollars (\$75). However, the weekly compensation payable shall not

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1 exceed the average weekly wages of the employee at the time of the
2 injury.

3 (b) In computing compensation for temporary total disability,
4 temporary partial disability, and total permanent disability, the average
5 weekly wages are considered to be:

6 (1) with respect to injuries occurring on and after July 1, 1997,
7 and before July 1, 1998:

8 (A) not more than six hundred seventy-two dollars (\$672); and

9 (B) not less than seventy-five dollars (\$75);

10 (2) with respect to injuries occurring on and after July 1, 1998,
11 and before July 1, 1999:

12 (A) not more than seven hundred two dollars (\$702); and

13 (B) not less than seventy-five dollars (\$75);

14 (3) with respect to injuries occurring on and after July 1, 1999,
15 and before July 1, 2000:

16 (A) not more than seven hundred thirty-two dollars (\$732);

17 and

18 (B) not less than seventy-five dollars (\$75);

19 (4) with respect to injuries occurring on and after July 1, 2000,
20 and before July 1, 2001:

21 (A) not more than seven hundred sixty-two dollars (\$762); and

22 (B) not less than seventy-five dollars (\$75);

23 (5) with respect to injuries occurring on and after July 1, 2001,
24 and before July 1, 2002:

25 (A) not more than eight hundred twenty-two dollars (\$822);

26 and

27 (B) not less than seventy-five dollars (\$75); ~~and~~

28 (6) with respect to injuries occurring on and after July 1, 2002,
29 **and before July 1, 2003:**

30 (A) not more than eight hundred eighty-two dollars (\$882);

31 and

32 (B) not less than seventy-five dollars (\$75);

33 **(7) with respect to injuries occurring on and after July 1,**
34 **2003, and before July 1, 2004:**

35 **(A) not more than nine hundred fifteen dollars (\$915); and**

36 **(B) not less than seventy-five dollars (\$75);**

37 **(8) with respect to injuries occurring on and after July 1,**
38 **2004, and before July 1, 2005:**

39 **(A) not more than nine hundred fifty-four dollars (\$954);**

40 **and**

41 **(B) not less than seventy-five dollars (\$75);**

42 **(9) with respect to injuries occurring on and after July 1,**

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2005, and before July 1, 2006:

(A) not more than nine hundred ninety dollars (\$990); and

(B) not less than seventy-five dollars (\$75); and

(10) with respect to injuries occurring on and after July 1, 2006:

(A) not more than one thousand thirty-two dollars (\$1,032); and

(B) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) For the purpose of this section only and with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, only, the term "dependent" as used in this section shall mean persons defined as presumptive dependents under section 19 of this chapter, except that such dependency shall be determined as of the date of the injury to the employee.

(d) With respect to any injury occurring on and after April 1, 1955, and prior to April 1, 1957, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provisions of this law or under any combination of its provisions shall not exceed twelve thousand five hundred dollars (\$12,500) in any case. With respect to any injury occurring on and after April 1, 1957 and prior to April 1, 1963, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed fifteen thousand dollars (\$15,000) in any case. With respect to any injury occurring on and after April 1, 1963, and prior to April 1, 1965, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed sixteen thousand five hundred dollars (\$16,500) in any case. With respect to any injury occurring on and after April 1, 1965, and prior to April 1, 1967, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed twenty thousand dollars (\$20,000) in any case. With respect to any injury occurring on and after April 1, 1967, and prior to July 1, 1971, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed twenty-five thousand dollars (\$25,000) in any case. With respect to any injury occurring on and after July 1, 1971, and prior to July 1, 1974, the maximum compensation exclusive of medical benefits which shall be

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1 paid for any injury under any provision of this law or any combination
2 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
3 case. With respect to any injury occurring on and after July 1, 1974,
4 and before July 1, 1976, the maximum compensation exclusive of
5 medical benefits which shall be paid for an injury under any provision
6 of this law or any combination of provisions shall not exceed forty-five
7 thousand dollars (\$45,000) in any case. With respect to an injury
8 occurring on and after July 1, 1976, and before July 1, 1977, the
9 maximum compensation, exclusive of medical benefits, which shall be
10 paid for any injury under any provision of this law or any combination
11 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
12 any case. With respect to any injury occurring on and after July 1,
13 1977, and before July 1, 1979, the maximum compensation, exclusive
14 of medical benefits, which may be paid for an injury under any
15 provision of this law or any combination of provisions may not exceed
16 sixty thousand dollars (\$60,000) in any case. With respect to any injury
17 occurring on and after July 1, 1979, and before July 1, 1980, the
18 maximum compensation, exclusive of medical benefits, which may be
19 paid for an injury under any provisions of this law or any combination
20 of provisions may not exceed sixty-five thousand dollars (\$65,000) in
21 any case. With respect to any injury occurring on and after July 1,
22 1980, and before July 1, 1983, the maximum compensation, exclusive
23 of medical benefits, which may be paid for an injury under any
24 provisions of this law or any combination of provisions may not exceed
25 seventy thousand dollars (\$70,000) in any case. With respect to any
26 injury occurring on and after July 1, 1983, and before July 1, 1984, the
27 maximum compensation, exclusive of medical benefits, which may be
28 paid for an injury under any provisions of this law or any combination
29 of provisions may not exceed seventy-eight thousand dollars (\$78,000)
30 in any case. With respect to any injury occurring on and after July 1,
31 1984, and before July 1, 1985, the maximum compensation, exclusive
32 of medical benefits, which may be paid for an injury under any
33 provisions of this law or any combination of provisions may not exceed
34 eighty-three thousand dollars (\$83,000) in any case. With respect to
35 any injury occurring on and after July 1, 1985, and before July 1, 1986,
36 the maximum compensation, exclusive of medical benefits, which may
37 be paid for an injury under any provisions of this law or any
38 combination of provisions may not exceed eighty-nine thousand dollars
39 (\$89,000) in any case. With respect to any injury occurring on and after
40 July 1, 1986, and before July 1, 1988, the maximum compensation,
41 exclusive of medical benefits, which may be paid for an injury under
42 any provisions of this law or any combination of provisions may not

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1 exceed ninety-five thousand dollars (\$95,000) in any case. With respect
 2 to any injury occurring on and after July 1, 1988, and before July 1,
 3 1989, the maximum compensation, exclusive of medical benefits,
 4 which may be paid for an injury under any provisions of this law or any
 5 combination of provisions may not exceed one hundred twenty-eight
 6 thousand dollars (\$128,000) in any case.

7 With respect to any injury occurring on and after July 1, 1989, and
 8 before July 1, 1990, the maximum compensation, exclusive of medical
 9 benefits, which may be paid for an injury under any provisions of this
 10 law or any combination of provisions may not exceed one hundred
 11 thirty-seven thousand dollars (\$137,000) in any case.

12 With respect to any injury occurring on and after July 1, 1990, and
 13 before July 1, 1991, the maximum compensation, exclusive of medical
 14 benefits, which may be paid for an injury under any provisions of this
 15 law or any combination of provisions may not exceed one hundred
 16 forty-seven thousand dollars (\$147,000) in any case.

17 With respect to any injury occurring on and after July 1, 1991, and
 18 before July 1, 1992, the maximum compensation, exclusive of medical
 19 benefits, that may be paid for an injury under any provisions of this law
 20 or any combination of provisions may not exceed one hundred
 21 sixty-four thousand dollars (\$164,000) in any case.

22 With respect to any injury occurring on and after July 1, 1992, and
 23 before July 1, 1993, the maximum compensation, exclusive of medical
 24 benefits, that may be paid for an injury under any provisions of this law
 25 or any combination of provisions may not exceed one hundred eighty
 26 thousand dollars (\$180,000) in any case.

27 With respect to any injury occurring on and after July 1, 1993, and
 28 before July 1, 1994, the maximum compensation, exclusive of medical
 29 benefits, that may be paid for an injury under any provisions of this law
 30 or any combination of provisions may not exceed one hundred
 31 ninety-seven thousand dollars (\$197,000) in any case.

32 With respect to any injury occurring on and after July 1, 1994, and
 33 before July 1, 1997, the maximum compensation, exclusive of medical
 34 benefits, which may be paid for an injury under any provisions of this
 35 law or any combination of provisions may not exceed two hundred
 36 fourteen thousand dollars (\$214,000) in any case.

37 (e) The maximum compensation, exclusive of medical benefits, that
 38 may be paid for an injury under any provision of this law or any
 39 combination of provisions may not exceed the following amounts in
 40 any case:

41 (1) With respect to an injury occurring on and after July 1, 1997,
 42 and before July 1, 1998, two hundred twenty-four thousand

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dollars (\$224,000).

(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, **and before July 1, 2003**, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to an injury occurring on and after July 1, 2003, and before July 1, 2004, three hundred five thousand dollars (\$305,000).

(8) With respect to an injury occurring on and after July 1, 2004, and before July 1, 2005, three hundred eighteen thousand dollars (\$318,000).

(9) With respect to an injury occurring on and after July 1, 2005, and before July 1, 2006, three hundred thirty thousand dollars (\$330,000).

(10) With respect to an injury occurring on and after July 1, 2006, three hundred forty-four thousand dollars (\$344,000).

SECTION 2. IC 22-3-7-19, AS AMENDED BY P.L.31-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to occupational diseases occurring:

(1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:

(A) not more than one hundred thirty-five dollars (\$135); and

(B) not less than seventy-five dollars (\$75);

(2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:

(A) not more than one hundred fifty-six dollars (\$156); and

(B) not less than seventy-five dollars (\$75);

(3) on and after July 1, 1977, and before July 1, 1979, the average

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1 weekly wages are considered to be:

2 (A) not more than one hundred eighty dollars (\$180); and

3 (B) not less than seventy-five dollars (\$75);

4 (4) on and after July 1, 1979, and before July 1, 1980, the average
5 weekly wages are considered to be:

6 (A) not more than one hundred ninety-five dollars (\$195); and

7 (B) not less than seventy-five dollars (\$75);

8 (5) on and after July 1, 1980, and before July 1, 1983, the average
9 weekly wages are considered to be:

10 (A) not more than two hundred ten dollars (\$210); and

11 (B) not less than seventy-five dollars (\$75);

12 (6) on and after July 1, 1983, and before July 1, 1984, the average
13 weekly wages are considered to be:

14 (A) not more than two hundred thirty-four dollars (\$234); and

15 (B) not less than seventy-five dollars (\$75); and

16 (7) on and after July 1, 1984, and before July 1, 1985, the average
17 weekly wages are considered to be:

18 (A) not more than two hundred forty-nine dollars (\$249); and

19 (B) not less than seventy-five dollars (\$75).

20 (b) In computing compensation for temporary total disability,
21 temporary partial disability, and total permanent disability, with respect
22 to occupational diseases occurring on and after July 1, 1985, and before
23 July 1, 1986, the average weekly wages are considered to be:

24 (1) not more than two hundred sixty-seven dollars (\$267); and

25 (2) not less than seventy-five dollars (\$75).

26 (c) In computing compensation for temporary total disability,
27 temporary partial disability, and total permanent disability, with respect
28 to occupational diseases occurring on and after July 1, 1986, and before
29 July 1, 1988, the average weekly wages are considered to be:

30 (1) not more than two hundred eighty-five dollars (\$285); and

31 (2) not less than seventy-five dollars (\$75).

32 (d) In computing compensation for temporary total disability,
33 temporary partial disability, and total permanent disability, with respect
34 to occupational diseases occurring on and after July 1, 1988, and before
35 July 1, 1989, the average weekly wages are considered to be:

36 (1) not more than three hundred eighty-four dollars (\$384); and

37 (2) not less than seventy-five dollars (\$75).

38 (e) In computing compensation for temporary total disability,
39 temporary partial disability, and total permanent disability, with respect
40 to occupational diseases occurring on and after July 1, 1989, and before
41 July 1, 1990, the average weekly wages are considered to be:

42 (1) not more than four hundred eleven dollars (\$411); and

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(2) not less than seventy-five dollars (\$75).

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

(k) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

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(3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732); and

(B) not less than seventy-five dollars (\$75);

(4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822); and

(B) not less than seventy-five dollars (\$75); ~~and~~

(6) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2002, **and before July 1, 2003:**

(A) not more than eight hundred eighty-two dollars (\$882); and

(B) not less than seventy-five dollars (\$75);

(7) with respect to occupational diseases occurring on and after July 1, 2003, and before July 1, 2004:

(A) not more than nine hundred fifteen dollars (\$915); and

(B) not less than seventy-five dollars (\$75);

(8) with respect to occupational diseases occurring on and after July 1, 2004, and before July 1, 2005:

(A) not more than nine hundred fifty-four dollars (\$954); and

(B) not less than seventy-five dollars (\$75);

(9) with respect to occupational diseases occurring on and after July 1, 2005, and before July 1, 2006:

(A) not more than nine hundred ninety dollars (\$990); and

(B) not less than seventy-five dollars (\$75); and

(10) with respect to occupational diseases occurring on and after July 1, 2006:

(A) not more than one thousand thirty-two dollars (\$1,032); and

(B) not less than seventy-five dollars (\$75).

(I) The maximum compensation that shall be paid for occupational disease and its results under any one (1) or more provisions of this chapter with respect to disability or death occurring:

(1) on and after July 1, 1974, and before July 1, 1976, shall not exceed forty-five thousand dollars (\$45,000) in any case;



(2) on and after July 1, 1976, and before July 1, 1977, shall not exceed fifty-two thousand dollars (\$52,000) in any case;

(3) on and after July 1, 1977, and before July 1, 1979, may not exceed sixty thousand dollars (\$60,000) in any case;

(4) on and after July 1, 1979, and before July 1, 1980, may not exceed sixty-five thousand dollars (\$65,000) in any case;

(5) on and after July 1, 1980, and before July 1, 1983, may not exceed seventy thousand dollars (\$70,000) in any case;

(6) on and after July 1, 1983, and before July 1, 1984, may not exceed seventy-eight thousand dollars (\$78,000) in any case; and

(7) on and after July 1, 1984, and before July 1, 1985, may not exceed eighty-three thousand dollars (\$83,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case. The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case. The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) The maximum compensation with respect to disability or death occurring on and after July 1, 1991, and before July 1, 1992, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars (\$164,000) in any

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1 case.

2 (q) The maximum compensation with respect to disability or death
3 occurring on and after July 1, 1992, and before July 1, 1993, that shall
4 be paid for occupational disease and the results thereof under this
5 chapter or under any combination of the provisions of this chapter may
6 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

7 (r) The maximum compensation with respect to disability or death
8 occurring on and after July 1, 1993, and before July 1, 1994, that shall
9 be paid for occupational disease and the results thereof under this
10 chapter or under any combination of the provisions of this chapter may
11 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
12 any case.

13 (s) The maximum compensation with respect to disability or death
14 occurring on and after July 1, 1994, and before July 1, 1997, that shall
15 be paid for occupational disease and the results thereof under this
16 chapter or under any combination of the provisions of this chapter may
17 not exceed two hundred fourteen thousand dollars (\$214,000) in any
18 case.

19 (t) The maximum compensation that shall be paid for occupational
20 disease and the results of an occupational disease under this chapter or
21 under any combination of the provisions of this chapter may not exceed
22 the following amounts in any case:

23 (1) With respect to disability or death occurring on and after July
24 1, 1997, and before July 1, 1998, two hundred twenty-four
25 thousand dollars (\$224,000).

26 (2) With respect to disability or death occurring on and after July
27 1, 1998, and before July 1, 1999, two hundred thirty-four
28 thousand dollars (\$234,000).

29 (3) With respect to disability or death occurring on and after July
30 1, 1999, and before July 1, 2000, two hundred forty-four thousand
31 dollars (\$244,000).

32 (4) With respect to disability or death occurring on and after July
33 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
34 dollars (\$254,000).

35 (5) With respect to disability or death occurring on and after July
36 1, 2001, and before July 1, 2002, two hundred seventy-four
37 thousand dollars (\$274,000).

38 (6) With respect to disability or death occurring on and after July
39 1, 2002, **and before July 1, 2003**, two hundred ninety-four
40 thousand dollars (\$294,000).

41 **(7) With respect to disability or death occurring on and after**
42 **July 1, 2003, and before July 1, 2004, three hundred five**

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1 thousand dollars (\$305,000).

2 (8) With respect to disability or death occurring on and after
3 July 1, 2004, and before July 1, 2005, three hundred eighteen
4 thousand dollars (\$318,000).

5 (9) With respect to disability or death occurring on and after
6 July 1, 2005, and before July 1, 2006, three hundred thirty
7 thousand dollars (\$330,000).

8 (10) With respect to disability or death occurring on and after
9 July 1, 2006, three hundred forty-four thousand dollars
10 (\$344,000).

11 (u) For all disabilities occurring before July 1, 1985, "average
12 weekly wages" shall mean the earnings of the injured employee in the
13 employment in which the employee was working at the time of the last
14 exposure during the period of fifty-two (52) weeks immediately
15 preceding the last day of the last exposure divided by fifty-two (52). If
16 the employee lost seven (7) or more calendar days during the period,
17 although not in the same week, then the earnings for the remainder of
18 the fifty-two (52) weeks shall be divided by the number of weeks and
19 parts thereof remaining after the time lost has been deducted. Where
20 the employment prior to the last day of the last exposure extended over
21 a period of less than fifty-two (52) weeks, the method of dividing the
22 earnings during that period by the number of weeks and parts thereof
23 during which the employee earned wages shall be followed if results
24 just and fair to both parties will be obtained. Where by reason of the
25 shortness of the time during which the employee has been in the
26 employment of the employer or of the casual nature or terms of the
27 employment it is impracticable to compute the average weekly wages
28 as above defined, regard shall be had to the average weekly amount
29 which, during the fifty-two (52) weeks previous to the last day of the
30 last exposure, was being earned by a person in the same grade
31 employed at the same work by the same employer, or if there is no
32 person so employed, by a person in the same grade employed in that
33 same class of employment in the same district. Whenever allowances
34 of any character are made to an employee in lieu of wages or a
35 specified part of the wage contract, they shall be deemed a part of the
36 employee's earnings.

37 (v) For all disabilities occurring on and after July 1, 1985, "average
38 weekly wages" means the earnings of the injured employee during the
39 period of fifty-two (52) weeks immediately preceding the disability
40 divided by fifty-two (52). If the employee lost seven (7) or more
41 calendar days during the period, although not in the same week, then
42 the earnings for the remainder of the fifty-two (52) weeks shall be

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1 divided by the number of weeks and parts of weeks remaining after the
 2 time lost has been deducted. If employment before the date of disability
 3 extended over a period of less than fifty-two (52) weeks, the method of
 4 dividing the earnings during that period by the number of weeks and
 5 parts of weeks during which the employee earned wages shall be
 6 followed if results just and fair to both parties will be obtained. If by
 7 reason of the shortness of the time during which the employee has been
 8 in the employment of the employer or of the casual nature or terms of
 9 the employment it is impracticable to compute the average weekly
 10 wages for the employee, the employee's average weekly wages shall be
 11 considered to be the average weekly amount that, during the fifty-two
 12 (52) weeks before the date of disability, was being earned by a person
 13 in the same grade employed at the same work by the same employer or,
 14 if there is no person so employed, by a person in the same grade
 15 employed in that same class of employment in the same district.
 16 Whenever allowances of any character are made to an employee
 17 instead of wages or a specified part of the wage contract, they shall be
 18 considered a part of the employee's earnings.

19 (w) The provisions of this article may not be construed to result in
 20 an award of benefits in which the number of weeks paid or to be paid
 21 for temporary total disability, temporary partial disability, or permanent
 22 total disability benefits combined exceeds five hundred (500) weeks.
 23 This section shall not be construed to prevent a person from applying
 24 for an award under IC 22-3-3-13. However, in case of permanent total
 25 disability resulting from a disablement occurring on or after January 1,
 26 1998, the minimum total benefit shall not be less than seventy-five
 27 thousand dollars (\$75,000).

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